

APPEAL,CLOSED,TYPE-I

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:15-cv-02122-RBW  
*Internal Use Only***

FARAHI v. FEDERAL BUREAU OF INVESTIGATION  
Assigned to: Judge Reggie B. Walton  
Cause: 05:552 Freedom of Information Act

Date Filed: 12/08/2015  
Date Terminated: 08/25/2023  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**FOAD FARAHI**

represented by **Christina A. Jump**  
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V.

**Defendant**

**FEDERAL BUREAU OF  
INVESTIGATION**

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Date Filed	#	Docket Text
12/08/2015	<u>1</u>	COMPLAINT against FEDERAL BUREAU OF INVESTIGATION ( Filing fee \$ 400 receipt number 0090–4341816) filed by FOAD FARAHI. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Summons for Defendant FBI, # <u>3</u> Summons Summons for US Atty Office of DC as required by FRCP 4(i), # <u>4</u> Summons Summons for Attorney General of DOJ as required by FRCP 4(i))(Swift, Charles) (Entered: 12/08/2015)
12/08/2015		Case Assigned to Judge Reggie B. Walton. (sth) (Entered: 12/09/2015)
01/11/2016	<u>2</u>	REQUEST FOR CORRECTED SUMMONS TO ISSUE re <u>1</u> Complaint, filed by FOAD FARAHI. Related document: <u>1</u> Complaint, filed by FOAD FARAHI.(Swift, Charles) (Entered: 01/11/2016)
01/12/2016	<u>3</u>	SUMMONS (3) Issued Electronically as to FEDERAL BUREAU OF INVESTIGATION, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Notice of Consent) (md) (Entered: 01/12/2016)
01/27/2016	<u>4</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed as to the United States Attorney. Date of Service Upon United States Attorney on 1/12/2016. Answer due for ALL FEDERAL DEFENDANTS by 2/11/2016. (Swift, Charles) (Entered: 01/27/2016)
01/27/2016	<u>5</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed on United States Attorney General. Date of Service Upon United States Attorney General 01/13/2016. (Swift, Charles) (Entered: 01/27/2016)
01/27/2016	<u>6</u>	RETURN OF SERVICE/AFFIDAVIT of Summons and Complaint Executed. FEDERAL BUREAU OF INVESTIGATION served on 1/14/2016 (Swift, Charles) (Entered: 01/27/2016)

02/11/2016	<u>7</u>	NOTICE of Appearance by Kenneth A. Adebonojo on behalf of FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 02/11/2016)
02/11/2016	<u>8</u>	Consent MOTION for Extension of Time to File Answer to <i>Complaint</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 02/11/2016)
02/12/2016		MINUTE ORDER granting <u>8</u> Motion for Extension of Time to Answer. In light of the plaintiff's consent, and for good cause shown, it is hereby ORDERED that the defendant's Motion for Extension of Time to File Answer <u>8</u> is GRANTED, and the defendant shall respond to the Complaint by February 22, 2016. Signed by Judge Reggie B. Walton on February 12, 2016. (lcrbw1) (Entered: 02/12/2016)
02/12/2016		Set/Reset Deadline: The defendant shall respond to the Complaint by 2/22/2016, (ad) (Entered: 02/12/2016)
02/22/2016	<u>9</u>	ANSWER to Complaint by FEDERAL BUREAU OF INVESTIGATION.(Adebonojo, Kenneth) (Entered: 02/22/2016)
02/24/2016	<u>10</u>	GENERAL ORDER. Signed by Judge Reggie B. Walton on February 24, 2016. (lcrbw1) (Entered: 02/24/2016)
02/24/2016		MINUTE ORDER. To ensure the expeditious resolution of this action, and because this qualifies as an exempted case under Local Civil Rule 16.3(b), it is hereby ORDERED that the parties shall file a joint proposed schedule governing further proceedings on or before March 28, 2016. Signed by Judge Reggie B. Walton on February 24, 2016. (lcrbw1) (Entered: 02/24/2016)
02/24/2016		Set/Reset Deadline: The parties shall file a joint proposed schedule governing further proceedings on or before 3/28/2016. (ad) (Entered: 02/24/2016)
03/25/2016	<u>11</u>	STATUS REPORT on <i>Joint Proposed Schedule</i> by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 03/25/2016)
03/29/2016		MINUTE ORDER. In light of the parties' Joint Proposed Schedule <u>11</u> , it is hereby ORDERED that: (1) the FBI shall release to the plaintiff all segregable non-exempt material by April 30, 2016; (2) on or before May 31, 2016, the parties shall confer to determine whether summary judgment motions will be required; and (3) the parties shall file a Status Report by June 8, 2016, informing the Court of whether dispositive motion practice is required and proposing a briefing schedule if necessary. Signed by Judge Reggie B. Walton on March 29, 2016. (lcrbw1) (Entered: 03/29/2016)
03/29/2016		Set/Reset Deadlines: Joint Status Report due by 6/8/2016 (hs) (Entered: 03/29/2016)
06/08/2016	<u>12</u>	STATUS REPORT by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 06/08/2016)
06/08/2016	<u>13</u>	MOTION for Order <i>Preserving Certain Exemptions</i> by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration Attachment 1, # <u>2</u> Exhibit A)(Adebonojo, Kenneth) (Entered: 06/08/2016)
10/21/2016		MINUTE ORDER. In light of the representation in the parties' Status Report filed on June 8, 2016, that the plaintiff "will file a reply [to the defendant's Motion for an Order Preserving Certain Exemptions] within 14 calendar days of being served with such a motion," and because approximately 4 months have passed since the plaintiff's response was due, it is hereby ORDERED that the plaintiff shall file his response to the defendant's motion on or before November 4, 2016. Signed by Judge Reggie B.

		Walton on 10/21/16. (lcrbw1, ) (Entered: 10/21/2016)
10/24/2016		Set/Reset Deadlines: Plaintiff's Response due by 11/4/2016 (hs) (Entered: 10/24/2016)
11/03/2016	<u>14</u>	Memorandum in opposition to re <u>13</u> MOTION for Order <i>Preserving Certain Exemptions</i> filed by FOAD FARAH. (Attachments: # <u>1</u> Proposed Order)(Swift, Charles) (Entered: 11/03/2016)
11/14/2016	<u>15</u>	Consent MOTION for Extension of Time to <i>File a Reply to Plaintiff's Opposition to Defendant's Motion to Preserve Certain Exemptions</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 11/14/2016)
11/16/2016		MINUTE ORDER. Upon consideration of the defendant's <u>15</u> Motion to Enlarge Time to File a Reply to Plaintiff's Opposition to Defendant's Motion for Order Preserving Certain Exemptions, and for good cause shown, it is hereby ORDERED that the defendant's motion is GRANTED. It is further ORDERED that the defendant shall file its Reply on or before December 13, 2016. Signed by Judge Reggie B. Walton on 11/16/16. (lcrbw1) (Entered: 11/16/2016)
11/16/2016		Set/Reset Deadlines: Defendant's Reply due by 12/13/2016. (hs) (Entered: 11/16/2016)
12/13/2016	<u>16</u>	Consent MOTION for Extension of Time to <i>File a Reply to Plaintiff's Opposition to Defendant's Motion for an Order Preserving Certain Exemptions</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 12/13/2016)
12/15/2016		MINUTE ORDER. Upon consideration of the <u>16</u> Motion to Enlarge Time to File a Reply to Plaintiff's Opposition to Defendant's Motion for Order Preserving Certain Exemptions, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its reply on or before December 16, 2016. Signed by Judge Reggie B. Walton on December 15, 2016. (lcrbw1) (Entered: 12/15/2016)
12/16/2016		Set/Reset Deadlines: Reply due by 12/16/2016. (hs) (Entered: 12/16/2016)
12/16/2016	<u>17</u>	REPLY to opposition to motion re <u>13</u> MOTION for Order <i>Preserving Certain Exemptions</i> filed by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 12/16/2016)
01/23/2017	<u>18</u>	ORDER. For the reasons stated in the attached Order, it is hereby ORDERED that the FBI's <u>13</u> Motion for an Order Preserving Certain Exemptions, and Memorandum of Points and Authorities in Support Thereof is DENIED. It is further ORDERED that the parties shall file a joint status report on or before February 6, 2017, regarding the progress of production of responsive records and a revised proposed schedule governing further production of such records.(lcrbw1) (Entered: 01/23/2017)
01/23/2017		Set/Reset Deadlines: Joint Status Report due by 2/6/2017 (hs) (Entered: 01/23/2017)
02/06/2017	<u>19</u>	PROPOSED BRIEFING SCHEDULE <i>by Defendant</i> by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) Modified event title on 2/7/2017 (znmw). (Entered: 02/06/2017)
02/06/2017	<u>20</u>	PROPOSED BRIEFING SCHEDULE <i>by Plaintiff</i> by FOAD FARAH. (Attachments: # <u>1</u> Text of Proposed Order)(Swift, Charles) Modified event title on 2/7/2017 (znmw). (Entered: 02/06/2017)
02/07/2017		MINUTE ORDER. Upon consideration of the <u>19</u> Defendant's Proposed Schedule and the <u>20</u> Plaintiff's Proposed Schedule, it is hereby ORDERED that the parties shall

		appear for a status hearing on Wednesday, February 22, 2017, at 9:00 a.m. It is further ORDERED that the defendant shall be prepared to address the number of other pending FOIA requests it is currently processing, the amount of resources it has available to conduct those requests, and why additional resources cannot be devoted to processing the plaintiff's request. Signed by Judge Reggie B. Walton on February 7, 2017. (lcrbw1) (Entered: 02/07/2017)
02/07/2017		Set/Reset Hearings: Status Conference set for 2/22/2017 at 09:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 02/07/2017)
02/13/2017	<u>21</u>	Unopposed MOTION to Continue <i>Status Hearing</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 02/13/2017)
02/14/2017		MINUTE ORDER. Upon consideration of the defendant's <u>21</u> Motion to Continue Status Hearing, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the Status Hearing currently scheduled for February 22, 2017, at 9 a.m. is hereby CONTINUED until March 7, 2017, at 9:30 a.m. Signed by Judge Reggie B. Walton on February 14, 2017. (lcrbw1) (Entered: 02/14/2017)
02/14/2017		Set/Reset Hearings: Status Conference reset for 3/7/2017 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 02/14/2017)
03/03/2017	<u>22</u>	NOTICE of Filing of Defendant's Declaration by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Declaration)(Adebonojo, Kenneth) (Main Document 22 replaced on 3/6/2017) (ztd). (Attachment 1 replaced on 3/6/2017) (ztd). (Attachment 1 replaced on 3/6/2017) (ztd). (Entered: 03/03/2017)
03/07/2017		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 3/7/2017. Defendant's In-Camera Submissions due by 3/21/2017. Status Conference set for 3/23/2017 at 11:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 03/07/2017)
03/07/2017	<u>23</u>	ORDER. In accordance with the Court's oral rulings at the status conference held on this same date, it is hereby ORDERED that the FBI shall file a sealed memorandum on or before March 21, 2017, regarding (1) the type of investigation it is currently conducting regarding the plaintiff, (2) how long it expects the investigation to remain open, (3) why the investigation has remained open for as long as counsel for the plaintiff represented to the Court, and (4) why the production of documents in response to the plaintiff's Freedom Of Information Act request would jeopardize the investigation. It is further ORDERED that the parties shall appear for a status conference on March 23, 2017, at 11:30 a.m. Signed by Judge Reggie B. Walton on March 7, 2017. (lcrbw1) (Entered: 03/07/2017)
03/21/2017	<u>24</u>	NOTICE of Submission of Defendant's Declaration to Chambers for In Camera Review by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 03/21/2017)
03/23/2017		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 3/23/2017. Status Conference set for 9/26/2107 at 10:00 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 03/23/2017)
03/23/2017		MINUTE ORDER. In accordance with the Court's oral rulings at the status conference held on this same date, it is hereby ORDERED that the FBI shall process 500 pages of



		records per month and produce any non-exempt records to the plaintiff on a rolling basis. It is further ORDERED that the parties shall appear for a status conference on September 26, 2017, at 10:00 a.m. Signed by Judge Reggie B. Walton on March 23, 2017. (lcrbw1) (Entered: 03/23/2017)
09/15/2017	<u>25</u>	Unopposed MOTION for Leave to Appear by Phone <i>for Status Conference Hearing</i> by FOAD FARAHI (Attachments: # <u>1</u> Text of Proposed Order)(Swift, Charles) (Entered: 09/15/2017)
09/15/2017		MINUTE ORDER. Upon consideration of the plaintiff's counsel's <u>25</u> Unopposed Motion for Leave to Appear by Phone, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that counsel for the plaintiff, Charles Swift, is permitted to appear by phone for the status conference scheduled for September 26, 2017, at 10:00 a.m. Signed by Judge Reggie B. Walton on September 15, 2017. (lcrbw1) (Entered: 09/15/2017)
09/25/2017	<u>26</u>	STATUS REPORT ( <i>Processing</i> ) by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 09/25/2017)
09/25/2017	<u>27</u>	MOTION to Continue <i>Status Conference Hearing Call 10/02/2017</i> by FOAD FARAHI (Swift, Charles) Modified event title on 9/26/2017 (znmw). (Entered: 09/25/2017)
09/26/2017		MINUTE ORDER granting <u>27</u> Unopposed Motion for Continuance. It is hereby ORDERED that the status conference scheduled for September 26, 2017 is CONTINUED to October 3, 2017, at 2:30 p.m. Signed by Judge Reggie B. Walton on September 26, 2017. (lcrbw1) (Entered: 09/26/2017)
09/26/2017		Set/Reset Hearings: Status Conference reset for 10/3/2017 at 02:30 PM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 09/26/2017)
09/27/2017		MINUTE ORDER. Upon consideration of the government's <u>26</u> Status Report ( <i>Processing</i> ), it is hereby ORDERED that the status conference scheduled for October 3, 2017, is VACATED. It is further ORDERED that the parties shall file a joint status report on or before March 25, 2018, regarding the status of review and production in this matter. Signed by Judge Reggie B. Walton on September 27, 2017. (lcrbw1) (Entered: 09/27/2017)
09/28/2017		Set/Reset Deadlines: Joint Status Report due by 3/25/2018 (hs) (Entered: 09/28/2017)
03/26/2018	<u>28</u>	Joint STATUS REPORT by FOAD FARAHI. (Swift, Charles) (Entered: 03/26/2018)
03/27/2018		MINUTE ORDER. Upon consideration of the parties' <u>28</u> Joint Status Report ( <i>Processing and Production</i> ), it is hereby ORDERED that the parties shall file a joint status report on or before September 27, 2018, regarding the status of review and production in this matter, including how many unprocessed pages of documents remain outstanding. Signed by Judge Reggie B. Walton on March 27, 2018. (lcrbw1) (Entered: 03/27/2018)
03/27/2018		Set/Reset Deadlines: Joint Status Report due by 9/27/2018 (hs) (Entered: 03/27/2018)
09/27/2018	<u>29</u>	Joint STATUS REPORT by FOAD FARAHI. (Swift, Charles) (Entered: 09/27/2018)
10/03/2018	<u>30</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the parties shall appear for a status conference on October 17, 2018, at 11:00 a.m. Signed by Judge Reggie B. Walton on October 3, 2018. (lcrbw1) (Entered: 10/03/2018)

10/03/2018		Set/Reset Hearings: Status Conference set for 10/17/2018 at 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 10/03/2018)
10/17/2018		Minute Entry; for proceedings held before Judge Reggie B. Walton: Status Conference held on 10/17/2018. Scheduling Order to issue from chambers. Status Conference set for 5/22/2019 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter Cathryn Jones) (hs) (Entered: 10/17/2018)
10/17/2018		MINUTE ORDER. In accordance with the Court's oral rulings at the status conference held on this same date, it is hereby ORDERED that, on or before May 17, 2019, the parties shall file a joint status report governing further proceedings in this case, including the deadline for the defendant's production of a Vaughn index and a joint proposed briefing schedule governing the filing of dispositive motions. It is further ORDERED that the parties shall appear for a status conference on May 22, 2019, at 9:30 a.m. Signed by Judge Reggie B. Walton on October 17, 2018. (lcrbw1) (Entered: 10/17/2018)
10/18/2018		Set/Reset Deadlines: Joint Status Report due by 5/17/2018 (hs) (Entered: 10/18/2018)
05/14/2019	<u>31</u>	Consent MOTION for Extension of Time to <i>File the Parties' Status Report and Continue Status Conference</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth). Added MOTION to Continue on 5/14/2019 (ztd). (Entered: 05/14/2019)
05/16/2019		MINUTE ORDER. Upon consideration of the defendant's <u>31</u> Motion to Enlarge Time to File the Parties['] Status Report and Continue the Status Conference, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that, on or before June 26, 2019, the parties shall file a joint status report governing further proceedings in this case, including the deadline for the defendant's production of a Vaughn index and a joint proposed briefing schedule governing the filing of dispositive motions. It is further ORDERED that the status conference currently scheduled for May 22, 2019, is CONTINUED to July 1, 2019, at 11:00 a.m. Signed by Judge Reggie B. Walton on May 16, 2019. (lcrbw1) (Entered: 05/16/2019)
05/16/2019		Set/Reset Deadlines/Hearings: Joint Status Report due by 6/26/2019, Status Conference reset for 7/1/2019 at 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 05/16/2019)
06/26/2019	<u>32</u>	Joint STATUS REPORT by FOAD FARAH. (Attachments: # <u>1</u> Text of Proposed Order Plaintiff, # <u>2</u> Text of Proposed Order Defendant)(Swift, Charles) (Entered: 06/26/2019)
07/01/2019		Minute Entry for proceedings held before Judge Reggie B. Walton: Status Conference held on 7/1/2019. Government Motion For Summary Judgment due by 09/27/2019. Plaintiff Opposition To Motion For Summary Judgment and Cross-Motion For Summary Judgment, If Any, due by 12/06/2019. Government Reply To Plaintiff's Opposition To Motion For Summary Judgment And Opposition To Cross-Motion For Summary Judgment, If Any, due by 01/10/2020. Plaintiff Reply To Opposition Of Cross-Motion For Summary Judgment, If Any, due by 2/14/2020. Motion Hearing set for 5/15/2020 at 9:30 AM in Courtroom 16 before Judge Reggie B. Walton. (Court Reporter CATHRYN JONES.) (mac) (Entered: 07/01/2019)
07/11/2019	<u>33</u>	ORDER. In accordance with the oral rulings issued by the Court at the status conference held on July 1, 2019, it is hereby ORDERED that the defendant shall file its motion for summary judgment, and any supporting declaration or Vaughn index, on

		or before September 27, 2019. It is further ORDERED that, on or before October 14, 2019, the parties shall confer in good faith to resolve any disputes regarding the defendant's supporting declaration or Vaughn index. It is further ORDERED that the plaintiff shall file his opposition to the defendant's motion and any cross-motion for summary judgment on or before December 6, 2019. It is further ORDERED that the defendant shall file its combined reply in support of its motion and opposition to any cross-motion on or before January 10, 2020. It is further ORDERED that the plaintiff shall file his reply in support of any cross-motion on or before February 14, 2020. It is further ORDERED that the parties shall appear for a status conference on May 15, 2020, at 9:30 a.m., which is the target date for the resolution of the parties' cross-motions for summary judgment. Signed by Judge Reggie B. Walton on July 11, 2019. (lcrbw1) (Entered: 07/11/2019)
07/11/2019		Set/Reset Deadlines/Hearings: Cross Motions due by 12/6/2019. Response to Cross Motions due by 1/10/2020. Reply to Cross Motions due by 2/14/2020. Summary Judgment motions due by 9/27/2019. Response to Motion for Summary Judgment due by 12/6/2019. Reply to Motion for Summary Judgment due by 1/10/2020. Status Conference set for 5/14/2020 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (gdf) (Entered: 07/12/2019)
09/26/2019	<u>34</u>	MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 09/26/2019)
09/27/2019		MINUTE ORDER. Upon consideration of the defendant's <u>34</u> Motion to Enlarge Time to File [Motion] [for] [Summary] [Judgment] and Continue the Status Conference, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its motion for summary judgment, and any supporting declaration or Vaughn index, on or before October 28, 2019. It is further ORDERED that, on or before November 15, 2019, the parties shall confer in good faith to resolve any disputes regarding the defendant's supporting declaration or Vaughn index. It is further ORDERED that the plaintiff shall file his opposition to the defendant's motion and any cross-motion for summary judgment on or before December 30, 2019. It is further ORDERED that the defendant shall file its combined reply in support of its motion and opposition to any cross-motion on or before February 5, 2020. It is further ORDERED that the plaintiff shall file his reply in support of any cross-motion on or before March 10, 2020. It is further ORDERED that the parties shall appear for a status conference on June 10, 2020, at 9:30 a.m., which is the target date for the resolution of the parties' cross-motions for summary judgment. Signed by Judge Reggie B. Walton on September 27, 2019. (lcrbw1) (Entered: 09/27/2019)
09/30/2019		Set/Reset Deadlines/Hearings: Summary Judgment motions due by 10/28/2019. Response to Motion for Summary Judgment due by 12/30/2019. Reply to Motion for Summary Judgment due by 2/5/2020. Cross Motions due by 12/30/2019. Response to Cross Motions due by 2/5/2020. Reply to Cross Motions due by 3/10/2020. Status Conference set for 6/10/2020 at 09:30 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 09/30/2019)
10/28/2019	35	MOTION for Extension of Time to <i>File Defendant's Motion for Summary Judgment</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) Modified on 10/29/2019 (zjf). (Entered: 10/28/2019)
10/30/2019		



		MINUTE ORDER. Upon consideration of the defendant's 35 Motion to Enlarge Time to File Defendant's Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its motion for summary judgment, and any supporting declaration or Vaughn index, on or before October 31, 2019. All other deadlines shall remain in effect. Signed by Judge Reggie B. Walton on October 30, 2019. (lcrbw1) (Entered: 10/30/2019)
10/31/2019		Set/Reset Deadlines: Summary Judgment motion due by 10/31/2019. (hs) (Entered: 10/31/2019)
10/31/2019	<u>36</u>	MOTION for Leave to File <i>to Submit a Declaration in Support of Defendant's Motion for Summary Judgment Under Seal Ex parte In Camera</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 10/31/2019)
10/31/2019	<u>37</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Adebonojo, Kenneth) (Entered: 10/31/2019)
12/23/2019	<u>38</u>	Unopposed MOTION for Extension of Time to <i>file opposition to the defendant's motion and cross-motion for summary judgment</i> by FOAD FARAH (Attachments: # <u>1</u> Text of Proposed Order)(Swift, Charles) (Entered: 12/23/2019)
12/26/2019		MINUTE ORDER. Upon consideration of the plaintiff's <u>38</u> Motion to Enlarge Time to File Plaintiff's Opposition to Defendant's Motion and Cross-Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the plaintiff shall file his opposition to the defendant's motion and any cross-motion for summary judgment on or before January 17, 2020. It is further ORDERED that the defendant shall file its combined reply in support of its motion and opposition to any cross-motion on or before February 24, 2020. It is further ORDERED that the plaintiff shall file his reply in support of any cross-motion on or before April 3, 2020. Signed by Judge Reggie B. Walton on December 26, 2019. (lcrbw1) (Entered: 12/26/2019)
12/31/2019		Set/Reset Deadlines: Cross Motions due by 1/17/2020. Response to Cross Motions due by 2/24/2020. Reply to Cross Motions due by 4/3/2020. Responses due by 1/17/2020 Replies due by 2/24/2020. (hs) (Entered: 12/31/2019)
01/17/2020	<u>39</u>	RESPONSE re <u>37</u> MOTION for Summary Judgment filed by FOAD FARAH. (Attachments: # <u>1</u> Exhibit Letter Dated April 24, 2007)(Swift, Charles) (Entered: 01/17/2020)
02/24/2020	<u>40</u>	Consent MOTION for Extension of Time to <i>File A Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 02/24/2020)
02/25/2020		MINUTE ORDER. Upon consideration of the defendant's <u>40</u> Motion to Enlarge Time to File Reply to Plaintiff's Opposition to Defendant's Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the defendant shall file its reply in support of its motion for summary judgment on or before March 17, 2020. Signed by Judge Reggie B. Walton on February 25, 2020. (lcrbw1) (Entered: 02/25/2020)
02/25/2020		Set/Reset Deadlines: Defendant shall file its reply in support of its motion for summary judgment on or before March 17, 2020. (ztl) (Entered: 02/25/2020)

03/17/2020	<u>41</u>	REPLY to opposition to motion re <u>37</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 03/17/2020)
03/31/2020	<u>42</u>	Consent MOTION for Extension of Time to File Response/Reply <i>in support of cross motion for summary judgment</i> by FOAD FARAHI (Swift, Charles) (Entered: 03/31/2020)
04/01/2020		MINUTE ORDER. Upon consideration of the plaintiff's <u>42</u> Motion to Enlarge Time to File a Reply in Support of Cross Motion for Summary Judgment, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the plaintiff shall file his reply in support of his cross motion for summary judgment on or before April 30, 2020. Signed by Judge Reggie B. Walton on April 1, 2020. (lcrbw1) (Entered: 04/01/2020)
04/02/2020		Set/Reset Deadlines: Plaintiff's Reply in support of his Cross Motion due by 4/30/2020. (hs) (Entered: 04/02/2020)
04/30/2020	<u>43</u>	SURREPLY to re <u>37</u> MOTION for Summary Judgment filed by FOAD FARAHI. (Swift, Charles) (Entered: 04/30/2020)
06/04/2020		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently set for June 10, 2020, is CONTINUED to October 9, 2020, at 11:00 a.m. Signed by Judge Reggie B. Walton on June 4, 2020. (lcrbw1) (Entered: 06/04/2020)
06/05/2020		Set/Reset Hearings: Status Conference reset for 10/9/2020 at 11:00 AM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 06/05/2020)
06/22/2020	<u>44</u>	MOTION to Continue <i>Status Conference Hearing</i> by FOAD FARAHI (Swift, Charles) (Entered: 06/22/2020)
06/24/2020		MINUTE ORDER. Upon consideration of the plaintiff's <u>44</u> Motion for Enlargement of Status Hearing, and for good cause shown, it is hereby ORDERED that this motion is GRANTED. It is further ORDERED that the status conference currently scheduled for October 9, 2020, is CONTINUED to November 2, 2020, at 12:00 p.m. Signed by Judge Reggie B. Walton on June 24, 2020. (lcrbw1) (Entered: 06/24/2020)
06/24/2020		Set/Reset Hearings: Status Conference reset for 11/2/2020 at 12:00 PM in Courtroom 16 before Judge Reggie B. Walton. (hs) (Entered: 06/24/2020)
10/20/2020		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently set for November 2, 2020, is CONTINUED to March 5, 2021, at 11:00 a.m. Signed by Judge Reggie B. Walton on October 20, 2020. (lcrbw3) (Entered: 10/20/2020)
10/21/2020		Set/Reset Hearings: Status Conference reset for 3/5/2021 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 10/21/2020)
10/21/2020	<u>45</u>	ORDER. In accordance with the attached Order, it is hereby ORDERED that the <u>36</u> Defendant's Motion for Leave to Submit Declaration Under Seal and Ex Parte, In Camera in Support [of] Defendant's Motion for Summary Judgment is GRANTED. It is further ORDERED that the Declaration of David M. Hardy and its accompanying exhibits is ACCEPTED AS FILED. Signed by Judge Reggie B. Walton on October 21,

		2020. (lcrbw3) (Entered: 10/21/2020)
10/30/2020	<u>46</u>	Unopposed MOTION for Leave to Appear by Telephone <i>or by Videoconference, or in the alternative</i> , Unopposed MOTION to Continue <i>Status Conference Hearing</i> by FOAD FARAH (Attachments: # <u>1</u> Text of Proposed Order)(Swift, Charles) (Entered: 10/30/2020)
11/11/2020		MINUTE ORDER. Upon consideration of the plaintiff's <u>46</u> Motion for Telephonic/Video Appearance, or in the Alternative, Enlargement of Status Hearing, it is hereby ORDERED that the motion is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that the plaintiff seeks leave to appear telephonically for the status conference currently scheduled for March 5, 2021. The motion is DENIED in all other respects. It is further ORDERED that the parties shall appear for the status conference currently scheduled for March 5, 2021, via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 11, 2020. (lcrbw3) (Entered: 11/11/2020)
02/26/2021		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for March 5, 2021, is CONTINUED to June 4, 2021, at 11:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on February 26, 2021. (lcrbw3) (Entered: 02/26/2021)
02/27/2021		Set/Reset Hearings: Status Conference reset for 6/4/2021 at 11:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 02/27/2021)
06/03/2021		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for June 4, 2021, is CONTINUED to September 8, 2021, at 9:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on June 3, 2021. (lcrbw3) (Entered: 06/03/2021)
06/03/2021		Set/Reset Hearings: Status Conference reset for 9/8/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 06/03/2021)
09/06/2021		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for September 8, 2021, is CONTINUED to December 9, 2021, at 9:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on September 6, 2021. (lcrbw3) (Entered: 09/06/2021)
09/06/2021		Set/Reset Hearings: Status Conference reset for 12/9/2021 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 09/06/2021)
09/24/2021	<u>47</u>	Unopposed MOTION to Continue <i>Status Conference Hearing</i> by FOAD FARAH (Attachments: # <u>1</u> Text of Proposed Order)(Swift, Charles) (Entered: 09/24/2021)
10/04/2021		MINUTE ORDER. Upon consideration of the plaintiff's <u>47</u> Motion to Enlarge Time for Telephonic Status Conference Hearing, and for good cause shown, it is hereby

		ORDERED that the motion is GRANTED. It is further ORDERED that the status conference currently scheduled for December 9, 2021, is CONTINUED to January 7, 2022, at 9:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on October 4, 2021. (lcrbw3) (Entered: 10/04/2021)
10/05/2021		Set/Reset Hearings: Status Conference reset for 1/7/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (hs) (Entered: 10/05/2021)
01/04/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for January 7, 2022, is CONTINUED to April 4, 2022, at 10:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on January 4, 2022. (lcrbw1) (Entered: 01/04/2022)
01/04/2022		Set/Reset Hearings: Status Conference reset for 4/4/2022 at 10:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh ) (Entered: 01/04/2022)
04/01/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for April 4, 2022, is CONTINUED to June 27, 2022, at 9:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the Court's resolution of the pending motion. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on April 1, 2022. (lcrbw1) (Entered: 04/01/2022)
04/01/2022		Set/Reset Hearings: Status Conference reset for 6/27/2022 at 09:00 AM by Telephonic/VTC before Judge Reggie B. Walton. (adh, ) (Entered: 04/01/2022)
05/31/2022	<u>48</u>	GENERAL ORDER FOR CIVIL CASES BEFORE THE HONORABLE REGGIE B. WALTON. Signed by Judge Reggie B. Walton on May 31, 2022. (lcrbw1) (Entered: 05/31/2022)
06/23/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for June 27, 2022, is CONTINUED to September 19, 2022, at 10:00 a.m. The parties shall appear via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the Court's resolution of the pending motion. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on June 23, 2022. (lcrbw1) (Entered: 06/23/2022)
06/23/2022		Set/Reset Hearings: Status Conference set for 9/19/2022 at 10:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (mac) (Entered: 06/23/2022)
09/13/2022		MINUTE ORDER. The Court requiring additional time to consider the pending motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for September 19, 2022, is CONTINUED to December 1, 2022, at 11:00 a.m. The parties shall appear via teleconference by calling

		1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the Court's resolution of the pending motion. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on September 13, 2022. (lcrbw1) (Entered: 09/13/2022)
09/13/2022		Set/Reset Hearings: Status Conference set for 12/1/2022 at 11:00 AM in Telephonic/VTC before Judge Reggie B. Walton. (mac) (Entered: 09/13/2022)
09/30/2022	<u>49</u>	ORDER. For the reasons to be set forth in the Memorandum Opinion to be issued by the Court within the next sixty days, absent extraordinary circumstances, the Court will deny without prejudice the defendant's motion for summary judgment. Accordingly, it is hereby ORDERED that the <u>37</u> Defendant's Motion for Summary Judgment, ECF No. 37, is DENIED WITHOUT PREJUDICE. It is further ORDERED that this Order is not a final Order subject to appeal. Signed by Judge Reggie B. Walton on September 30, 2022. (lcrbw1) (Entered: 09/30/2022)
11/15/2022	<u>50</u>	Consent MOTION to Continue <i>Status Conference</i> by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 11/15/2022)
11/17/2022	<u>51</u>	ORDER. Upon consideration of the defendant's <u>50</u> Motion to Continue Status Conference, and for good cause shown, it is hereby ORDERED that the defendant's <u>50</u> Motion to Continue Status Conference is GRANTED IN PART AND DENIED IN PART. The motion is GRANTED to the extent that it seeks to vacate the status conference currently scheduled for December 1, 2022. The motion is DENIED in all other respects. It is further ORDERED that the status conference currently scheduled for December 1, 2022, is VACATED. Signed by Judge Reggie B. Walton on November 17, 2022. (lcrbw3) (Entered: 11/17/2022)
11/30/2022	<u>52</u>	MEMORANDUM OPINION. Signed by Judge Reggie B. Walton on November 30, 2022. (lcrbw3) (Entered: 11/30/2022)
11/30/2022	<u>53</u>	ORDER. In accordance with the Memorandum Opinion issued on this same date, it is hereby ORDERED that the <u>37</u> Defendant's Motion for [ ] Summary Judgment is DENIED WITHOUT PREJUDICE. It is further ORDERED that, on or before January 10, 2023, the defendant shall file a renewed motion for summary judgment, including the additional materials requested by the Court in its Memorandum Opinion and sealed, ex parte Order. It is further ORDERED that, on January 10, 2023, at 11:00 a.m., the parties shall appear before the Court for a status conference, via teleconference, by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on November 30, 2022. (lcrbw3) (Main Document 53 replaced on 11/30/2022) (zdot). (Entered: 11/30/2022)
11/30/2022		Set/Reset Deadlines/Hearings: Defendant Renewed Motion For Summary Judgment due by 1/10/2023. Status Conference set for 1/10/2023 at 11:00 AM Via Teleconference before Judge Reggie B. Walton. (mac) (Entered: 11/30/2022)
11/30/2022		ENTERED IN ERROR.....Set/Reset Deadlines/Hearings: Defendant Renewed Motion For Summary Judgment due by 1/10/2023. Status Conference set for 1/10/2023 at 11:00 AM Via Videoconference before Judge Reggie B. Walton. (mac) Modified on 12/2/2022 (zmac). (Entered: 11/30/2022)
01/10/2023		



		Minute Entry for proceedings held Telephonically before Judge Reggie B. Walton: Status Conference held on 1/10/2023. Parties Updated The Court On The Current Posture Of This Matter. The Court Will Continue This Matter. Further Status Conference set for 2/3/2023 at 9:30 AM Via Teleconference before Judge Reggie B. Walton. (Court Reporter SARA WICK.) (mac) (Entered: 01/10/2023)
01/10/2023	<u>54</u>	ORDER. In accordance with the oral rulings issued by the Court at the status conference held on January 10, 2023, via teleconference, it is hereby ORDERED that, on or before January 31, 2023, the parties shall file a joint status report regarding how they wish to proceed in this case. It is further ORDERED that, on February 3, 2023, at 9:30 a.m., the parties shall appear before the Court for a status conference via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). Signed by Judge Reggie B. Walton on January 10, 2023. (lcrbw3) (Entered: 01/10/2023)
01/11/2023		Set/Reset Deadlines: Joint Status Report due by 1/31/2023. (mac) (Entered: 01/11/2023)
01/31/2023	<u>55</u>	Joint STATUS REPORT by FOAD FARAH. (Attachments: # <u>1</u> Text of Proposed Order Defendant Proposed Order, # <u>2</u> Text of Proposed Order Plaintiff Proposed Order)(Swift, Charles) (Entered: 01/31/2023)
02/03/2023	<u>56</u>	ORDER. In accordance with the oral rulings issued by the Court at the status conference held on February 3, 2023, via teleconference, it is hereby ORDERED that, on or before March 31, 2023, the defendant shall file a renewed motion for summary judgment, as well as the additional materials requested by the Court in its sealed, ex parte Order. It is further ORDERED that, on or before May 1, 2023, the plaintiff shall file his opposition to the defendant's renewed motion for summary judgment. It is further ORDERED that, on or before May 12, 2023, the defendant shall file its reply in support of its renewed motion for summary judgment. It is further ORDERED that, on August 18, 2023, at 9:00 a.m., the parties shall appear before the Court for a status conference via teleconference by calling 1-877-873-8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the resolution of the defendant's forthcoming renewed motion for summary judgment. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on February 3, 2023. (lcrbw3) (Entered: 02/03/2023)
02/03/2023		Minute Entry for proceedings held Telephonically before Judge Reggie B. Walton: Status Conference held on 2/3/2023. (Court Reporter LORRAINE HERMAN.) (mac) (Entered: 02/03/2023)
02/03/2023		Set/Reset Deadlines/Hearings: Government Renewed Motion For Summary Judgment due by 3/31/2023. Plaintiff Opposition To The Defendant's Renewed Motion for Summary Judgment due by 5/1/2023. Defendant Reply In Support Of Its Renewed Motion for Summary Judgment due by 5/12/2023. Status Conference set for 8/18/2023 at 9:00 AM Via Teleconference before Judge Reggie B. Walton. (mac) (Entered: 02/03/2023)
03/31/2023	<u>57</u>	MOTION for Summary Judgment by FEDERAL BUREAU OF INVESTIGATION. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Memorandum in Support, # <u>3</u> Declaration)(Adebonojo, Kenneth) (Entered: 03/31/2023)
03/31/2023	<u>58</u>	

		NOTICE of Filing of <i>Ex Parte In Camera Declaration</i> by FEDERAL BUREAU OF INVESTIGATION (Adebonojo, Kenneth) (Entered: 03/31/2023)
05/01/2023	<u>59</u>	RESPONSE re <u>57</u> MOTION for Summary Judgment filed by FOAD FARAH. (Swift, Charles) (Entered: 05/01/2023)
05/12/2023	<u>60</u>	REPLY to opposition to motion re <u>57</u> MOTION for Summary Judgment filed by FEDERAL BUREAU OF INVESTIGATION. (Adebonojo, Kenneth) (Entered: 05/12/2023)
05/17/2023	<u>61</u>	NOTICE of Appearance by Christina A. Jump on behalf of FOAD FARAH. (Jump, Christina) (Entered: 05/17/2023)
05/19/2023	<u>62</u>	MOTION for Leave to File <i>Sur Reply</i> by FOAD FARAH. (Attachments: # <u>1</u> Exhibit Table of Contents for Exhibits, # <u>2</u> Exhibit Exhibit A – Sur Reply, # <u>3</u> Exhibit Exhibit B – Email re Conferring, # <u>4</u> Text of Proposed Order Exhibit C – Proposed Order)(Jump, Christina) (Entered: 05/19/2023)
07/20/2023		MINUTE ORDER. Upon consideration of the <u>62</u> Plaintiff's Motion for Leave to File Sur–Reply, it is hereby ORDERED that the <u>62</u> Plaintiff's Motion for Leave to File Sur–Reply is GRANTED. It is further ORDERED that the [62–2] Plaintiff's Sur–Reply in Opposition to Defendant's Renewed Motion for Summary Judgment is ACCEPTED AS FILED. Signed by Judge Reggie B. Walton on July 20, 2023. (lcrbw3) (Entered: 07/20/2023)
08/11/2023		MINUTE ORDER. The Court requiring additional time to consider the pending renewed motion for summary judgment in this case, it is hereby ORDERED that the status conference currently scheduled for August 18, 2023, is CONTINUED to September 15, 2023, at 9:00 a.m. The parties shall appear via teleconference by calling 1–877–873–8017 and entering the Court's access code (8583213) followed by the pound key (#). This status conference will serve as a target date for the Court's resolution of the pending motion. In the event that the Court is unable to resolve the motion by this date, the parties will be advised in advance that the status conference will be continued to a later date. Signed by Judge Reggie B. Walton on August 11, 2023. (lcrbw3) (Entered: 08/11/2023)
08/25/2023	<u>63</u>	ORDER. See attached Order for details. Signed by Judge Reggie B. Walton on August 25, 2023. (lcrbw3) (Entered: 08/25/2023)
10/20/2023	<u>64</u>	NOTICE of Appearance by Chelsea Gabrielle Glover on behalf of FOAD FARAH. (Glover, Chelsea) (Entered: 10/20/2023)
10/20/2023	<u>65</u>	NOTICE of Appearance by Samira Elhosary on behalf of FOAD FARAH. (Elhosary, Samira) (Entered: 10/20/2023)
10/23/2023	<u>66</u>	NOTICE OF APPEAL TO DC CIRCUIT COURT as to <u>63</u> Order on Motion for Summary Judgment by FOAD FARAH. Filing fee \$ 505, receipt number ADCDC–10439565. Fee Status: Fee Paid. Parties have been notified. (Glover, Chelsea) (Entered: 10/23/2023)

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*Attorneys for Plaintiff*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT COURT OF COLUMBIA**

**FOAD FARAH,**

*Plaintiff,*

v.

**FEDERAL BUREAU OF  
INVESTIGATION,**

*Defendant.*

**Civil Action No.: 15-2122 (RBW)**

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**PLAINTIFF'S NOTICE OF APPEAL**

Plaintiff Foad Farahi hereby files this Notice of Appeal of this matter to the United States Court of Appeals for the District of Columbia Circuit. Plaintiff appeals based on the Order of this Court dismissing all claims dated August 25, 2023 (Doc. 63).

Respectfully submitted this 23rd day of October 2023.

/s/ Christina A. Jump

Christina A. Jump

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For Plaintiff Foad Farahi

/s/ Foad Farahi

### **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this 23rd day of October 2023, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/Christina A. Jump

Christina A. Jump

Attorney for Plaintiff

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLUMBIA

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FOAD FARAH, )

Plaintiff, )

v. )

FEDERAL BUREAU OF )  
INVESTIGATION, )

Defendant. )

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Civil Action No. 15-2122 (RBW)

**ORDER**

The plaintiff, Foad Farahi, brings this civil action against the defendant, the Federal Bureau of Investigation (“FBI”), pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552, seeking the release of records related to a memorandum written by the defendant that was introduced during the plaintiff’s immigration removal proceedings. See Complaint for Injunctive Relief ¶¶ 1, 5, 8–13, ECF No. 1. Currently pending before the Court is the Defendant’s Renewed Motion for [ ] Summary Judgment (“Def.’s Mot.” or the “defendant’s motion”), ECF No. 57. Upon careful consideration of the parties’ submissions,<sup>1</sup> including those submitted by the defendant under seal and ex parte, the Court concludes for the following reasons that it must grant the defendant’s motion.

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<sup>1</sup> In addition to the filings already identified, the Court considered the following submissions in rendering its decision: (1) the Defendant’s Renewed Statement of Facts (“Def.’s Facts”), ECF No. 57-1; (2) the Memorandum of Points and Authorities in Support of Defendant’s Renewed Motion for Summary Judgment (“Def.’s Mem.”), ECF No. 57-2; (3) the Declaration of Joseph E. Bender, Jr. (“Bender Decl.”), ECF No. 57-3; (4) the Plaintiff’s Opposition to Defendant’s Motion for Summary Judgment (“Pl.’s Opp’n”), ECF No. 59; (5) the defendant’s Reply to Plaintiff’s Opposition to Defendant’s Renewed Motion for Summary Judgment (“Def.’s Reply”), ECF No. 60; and (6) the Plaintiff’s Sur-Reply in Opposition to Defendant’s Renewed Motion for Summary Judgment (“Pl.’s Surreply”), ECF No. 62-2.



## I. BACKGROUND

The Court previously set forth the factual background of this case in its Memorandum Opinion issued on November 30, 2022, see Farahi v. Fed. Bureau of Investigation, No. 15-cv-2122 (RBW), 2022 WL 17338008, at \*1–3 (D.D.C. Nov. 30, 2022) (Walton, J.), and thus will not reiterate it here. The Court will, however, set forth the procedural history pertinent to the resolution of the defendant’s pending renewed motion for summary judgment, which is the subject of this Order.

On November 30, 2022, the Court denied without prejudice the Defendant’s Motion for [ ] Summary Judgment, ECF No. 37, in this case. See Order at 1 (Nov. 30, 2022), ECF No. 53. In its Memorandum Opinion resolving this motion, “the Court conclude[d] that the defendant ha[d] seemingly withheld the requested information properly pursuant to Exemption 7(A)” of the FOIA, Farahi, 2022 WL 17338008, at \*9, and determined that it “need not consider the[] [defendant’s] alternative bases for the withholdings” under Exemptions 1, 3, 5, 6, and 7, id. at \*4 n.4, because “courts may uphold agency action under one exemption without considering the applicability of [ ] [an]other[,]” Larson v. Dep’t of State, 565 F.3d 857, 862–63 (D.C. Cir. 2009). However, the Court noted that its “ruling [was] inconclusive because [ ] significant time has passed since the filing of the Hardy Declaration and the classified ex parte declaration[, upon which the Court relied,] . . . due to the size of the Court’s docket.” Farahi, 2022 WL 17338008, at \*9. The Court specified that

because “[t]he [relevant] proceeding [under Exemption 7(A)] must remain pending at the time of [the Court’s] decision, not only at the time of the initial FOIA request[,]” [Shapiro v. Dep’t of Just., No. 12-cv-313 (BAH), 2020 WL 3615511, at \*16 (D.D.C. July 2, 2020) (quoting Citizens for Responsibility & Ethics in Wash., 746 F.3d 1082, 1097 (D.C. Cir. 2014)) (internal quotation marks omitted)], the Court will deny the defendant’s motion without prejudice and

require the defendant to reassess whether the relevant “enforcement proceedings” remain “pending or reasonably anticipated[.]” [id.], as described in the declarations submitted to the Court.

Farahi, 2022 WL 17338008, at \*9 (first, second, third, fourth, fifth, and ninth alterations in original). The Court further noted that “[o]nce the defendant has completed its review, it may file a renewed motion for summary judgment based on either Exemption 7(A), if the relevant proceedings remain pending or reasonably anticipated, or on the other FOIA exemptions asserted in the defendant’s [original] motion.” Id. Finally, the Court concluded that, “for reasons that cannot be stated on the public record, . . . it requires additional information in order to issue a ruling on the merits regarding whether the defendant satisfied its segregability obligations under the FOIA[.]” and therefore “den[ie]d the defendant’s motion without prejudice as to the segregability issue, and [ ] issue[d] a separate, sealed, and ex parte order setting forth its ruling in detail.” Id. at \*10.

The Court ordered the defendant to file “a renewed motion for summary judgment, including additional materials requested by the Court in its Memorandum Opinion and sealed, ex parte Order[.]” on or before January 10, 2023. Order at 1 (Nov. 30, 2022). After being granted an extension of time, see Order at 1 (Feb. 3, 2023), ECF No. 56, the defendant filed its renewed motion for summary judgment on March 31, 2023, see Def.’s Mot. at 1. The plaintiff filed its opposition to the defendant’s motion on May 1, 2023, see Pl.’s Opp’n at 1, and the defendant filed its reply in support of its motion on May 12, 2023, see Def.’s Reply at 1.

## II. ANALYSIS

In its renewed motion, the defendant reasserts its withholdings under Exemption 7(A), arguing that “the Court’s previous conclusion that the [defendant] ‘properly’ withheld records

under Exemption 7(A) is now reinforced by the [defendant’s] averment that the [relevant] investigation is actually ongoing, and release of records would reasonably be expected to inter[fer]e with law enforcement investigations.” Def.’s Mem. at 2. Specifically, the defendant states that “[t]o assess the pendency [of the relevant proceedings], [the defendant] contacted the [Supervisory] Special Agency (‘SSA’) ‘overseeing the [p]laintiff’s main file [who] responded . . . that there has been no change to the [defendant’s] position” since the filing of the defendant’s original motion for summary judgment, id. (quoting Bender Decl. ¶ 6) (fifth and sixth alterations in original), and “clarified that the investigations remain ongoing, and that release of the requested information could reasonably be expected to interfere with those investigations[.]” id. (quoting Bender Decl. ¶ 6) (internal quotation marks omitted). In response, the plaintiff argues that “[u]nder the facts of this case, accepting the SSA[’s] conclusory statements to a third party as establishing the continued potential for disruption of an enforcement proceeding would be erroneous because the continued existence of an investigation does not equate to the potential disruption of an enforcement action.” Pl.’s Opp’n at 4; see id. at 3–4 (noting that “D.C. Circuit case law generally requires agencies to articulate the harm from disclosure in a ‘focused and concrete way’” (quoting Reporters Comm. for Freedom of the Press v. Fed. Bureau of Investigation, 3 F.4th 350, 369 (D.C. Cir. 2021))).

Because the defendant has “reassess[ed] whether the relevant ‘enforcement proceedings’ remain ‘pending or reasonably anticipated[.]’” Farahi, 2022 WL 17338008, at \*9 (quoting Shapiro, 2020 WL 3615511, at \*16) (second alteration in original), and represented to the Court via its declarant that “the investigations [relevant to the defendant’s withholdings under Exemption 7(A)] remain ongoing[.]” Bender Decl. ¶ 6, the Court concludes that the defendant

has properly withheld the requested information under Exemption 7(A). See Citizens for Resp. & Ethics in Wash., 746 F.3d at 1097 (noting that, under Exemption 7(A), “[t]he [relevant] proceeding must remain pending at the time of [the Court’s] decision, not only at the time of the initial FOIA request.”); see also Ctr. for Nat. Sec. Studies v. U.S. Dep’t of Just., 331 F.3d 918, 927–28 (D.C. Cir. 2003) (“[I]n the FOIA context, [courts] have consistently deferred to executive affidavits predicting harm to the national security[,]” “so long as the government’s declarations raise legitimate concerns that disclosure would impair national security.”). As the defendant correctly notes, see Def.’s Reply at 1, the only aspect of the defendant’s assertion of Exemption 7(A) that remains at issue is whether the relevant proceedings are ongoing, see Farahi, 2022 WL 17338008, at \*9 (“The Court’s ruling is inconclusive because a significant time has passed since the filing of the Hardy Declaration and the classified ex parte declaration[.]”). Thus, to the extent the plaintiff argues that the defendant has not “establish[ed] the continued potential for disruption of an enforcement proceeding[,]” Pl.’s Opp’n at 4 (emphasis added), this aspect of the withholdings is no longer at issue because the Court has already concluded that “the defendant has adequately ‘explain[ed] . . . how the release of each category [of withheld information] would interfere with enforcement proceedings[,]” Farahi, 2022 WL 17338008, at \*6 (quoting Citizens for Resp. & Ethics in Wash., 746 F.3d at 1098) (first and second alterations in original).<sup>2</sup> Thus, because the defendant has confirmed that the relevant proceedings remain

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<sup>2</sup> Furthermore, to the extent the plaintiff argues that “the Bender Declaration contains no assertions even pretending to be based on first-hand knowledge[,]” Pl.’s Surreply at 3, the Court notes that “it is well settled that FOIA declarants may include statements in their declarations based on information they have obtained in the course of their official duties[,]” Hainey v. U.S. Dep’t of the Interior, 925 F. Supp. 2d 34, 41 (D.D.C. 2013) (internal quotation marks omitted), and a declarant may properly supply information “provided to [him or her] by other agency employees and [his or her] own review of agency records[,]” Wisdom v. U.S. Tr. Program, 232 F. Supp. 3d 97, 115 (D.D.C. 2017). In his declaration, Bender affirms that he is “currently serving as the Acting Section Chief [ ] of the  
(continued . . . )

ongoing, the Court concludes that the defendant has properly withheld the requested information under Exemption 7(A).<sup>3</sup>

Furthermore, as to the segregability issue, the Court may not discuss with any specificity the sealed, ex parte materials submitted by the defendant in response to the Court's Order. See Order at 1 (Nov. 30, 2022); Farahi, 2022 WL 17338008, at \*10 ("Here, for reasons that cannot be stated on the public record, the Court concludes that it requires additional information in order to issue a ruling on the merits regarding whether the defendant satisfied its segregability obligations under the FOIA."). However, based upon its thorough in camera review of these submissions, the Court concludes that the defendant has met its burden to "provide a detailed justification for [the exempt material's] non-segregability[.]" Ecological Rts. Found. v. U.S. Env't Prot. Agency, 541 F. Supp. 3d 34, 66 (D.D.C. 2021) (quoting Johnson v. Exec. Off. for U.S. Att'ys, 310 F.3d 771, 776 (D.C. Cir. 2002)) (first alteration in original) (internal quotation

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(continued . . .)

Record/Information Dissemination Section ([ 'RIDS[ ']), Information Management Division [ ], . . . [FBI[.]" Bender Decl. ¶ 1, and that "[t]he statements contained in th[e] declaration are based upon [his] personal knowledge, [ ] information provided to [him] in his official capacity, and upon conclusions and determinations reached and made in accordance therewith[.]" id. ¶ 2. He further states that "[b]ecause of the nature of [his] official duties, [he] is familiar with the procedures followed by the FBI in responding to requests for information . . . [and is s]pecifically . . . aware of the FBI's handling of the [p]laintiff's request for records[.]" Id. ¶ 3. Finally, he describes how he obtained the information regarding the status of ongoing proceedings related to this case, stating that "RIDS contacted the case agent involved with the investigations" and "[t]he . . . [SSA[ ] overseeing the [p]laintiff's main file responded to the RIDS' inquiry[.]" Id. ¶ 6. Accordingly, because the information provided in the Bender Declaration is the product of the declarant's personal knowledge and information provided to him in his official capacity, the Court sees no reason to question the reliability of the declaration. See Prop. of the People, Inc. v. U.S. Dep't of Justice, 405 F. Supp. 3d 99, 125 (D.D.C. 2019) (concluding that a FOIA declarant possessed sufficient personal knowledge where the information contained in the declaration was "based upon [the declarant's] personal knowledge, upon information provided to [the declarant] in [the declarant's] official capacity, and upon conclusions and determinations reached and made in accordance therewith" (internal quotation marks omitted) (emphasis omitted)).

<sup>3</sup> As the Court noted in its November 30, 2022 Memorandum Opinion, "because the Court concludes that the defendant has appropriately withheld the records pursuant to Exemption 7(A), the Court need not consider the[ ] [defendant's] alternative bases for the withholdings[.]" Farahi, 2022 WL 17338008, at \*4 n.4; see Larson, 565 F.3d at 862–63 ("[C]ourts may uphold agency action under one exemption without considering the applicability of the other.").



marks omitted); see id. (“Affidavits attesting to the agency’s ‘line-by-line review of each document withheld in full’ and the agency’s determination ‘that no documents contained releasable information which could be reasonably segregated from the nonreleasable portions,’ in conjunction with a Vaughn index describing the withheld record, suffice.” (quoting Johnson, 310 F.3d at 776)). Thus, the Court concludes that the defendant has adequately demonstrated that it “disclose[d all] reasonably segregable material.” Sussman v. U.S. Marshals Serv., 494 F.3d 1106, 1117 (D.C. Cir. 2007).

Accordingly, it is hereby

**ORDERED** that the Defendant’s Renewed Motion for [ ] Summary Judgment, ECF No. 57, is **GRANTED**. It is further

**ORDERED** that summary judgment is **ENTERED** for the defendant. It is further

**ORDERED** that this case is **CLOSED**.

**SO ORDERED** this 25th day of August, 2023.

REGGIE B. WALTON  
United States District Judge